

Exhibit 24

Transcript of the Testimony of
Barbara Hines

Date:

June 26, 2018

Case:

STATE OF TEXAS vs UNITED STATES OF AMERICA

Barbara Hines

June 26, 2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 BROWNSVILLE DIVISION
4 STATE OF TEXAS, et al.,)
5 Plaintiffs,)
6 vs.)
7 UNITED STATES OF AMERICA,)
8 ET AL.,)
9 Defendants,)
10 and)
11 KARLA PEREZ, et al.,)
12 Defendant-Intervenors.))
13)
14)
15)
16)
17)
18)
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23)
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25)

CASE NO. 1:18:cv-00068

ORAL VIDEOTAPED DEPOSITION

BARBARA HINES

JUNE 26, 2018

ORAL VIDEOTAPED DEPOSITION OF BARBARA HINES,
produced as a witness at the instance of the PLAINTIFF
STATES and duly sworn, was taken in the above-styled and
numbered cause on the 26th day of June, 2018, from
10:04 a.m. to 12:41 p.m., before Dana Richardson,
Certified Shorthand Reporter in and for the State of
Texas, reported by computerized stenotype machine at the
Office of the Attorney General, 300 West 15th Street,
Austin, Texas 78701, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

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ALSO PRESENT:

Mr. Austin Kreitz, Summer Associate

1 that begins, "A DACA recipient does not need..."?

2 A. Yes.

3 Q. Okay. So I just want to ask you about the last
4 sentence of that paragraph, which reads, "Thus a DACA
5 recipient who travels on advance parole and later
6 marries a US citizen can apply for her green card
7 through adjustment status as immediate relative."

8 Do you agree with that sentence?

9 A. Yes.

10 Q. All right. Okay. Let's turn back to your
11 declaration. Paragraphs 29, 30, and 31. That talks
12 about the 245I portion?

13 A. It does.

14 Q. Okay. Do you know how many DACA recipients
15 would be eligible for 245I status?

16 MS. PERALES: Objection, form.

17 A. I don't have that statistics at hand, but there
18 are many people eligible for 245I.

19 Q. (BY MR. DISHER) Okay. Can you give me an
20 estimate about how many?

21 A. I cannot.

22 Q. Can you give me an estimate about the overlap
23 between people who are eligible for 245I and the people
24 who are eligible for DACA status?

25 MS. PERALES: Objection, form.

1 A. An explanation?

2 Q. (BY MR. DISHER) No, no, no. An estimate about
3 the overlap of those two potentially qualifying
4 populations?

5 A. I -- I can tell you that there are many people,
6 many Mexicans who are eligible for 245I because the
7 backlog and the quotas in the Mexican system, but I
8 cannot give you number.

9 Q. Okay.

10 A. In the Mexican quota system, I mean.

11 Q. What about just generally 245I across the
12 board? Can you give me an estimate about how many
13 people were to qualify for 245I?

14 A. I cannot.

15 Q. Okay. So you see in Paragraph 32, the second
16 sentence begins, "According to DHS statistics" --

17 A. Yes.

18 Q. -- "between 2013 and 2015, 4,833 DACA
19 recipients adjusted their status to lawful permanent
20 residents after obtaining advance parole."

21 Can you explain that to me? What does the
22 4,833 number represent?

23 A. The 4,833 represents the statistic on page 8 of
24 Exhibit 5.

25 Q. Table 4A?

1 A. Yes. One thing that it does not show is how
2 many of those DACA applicants actually needed advance
3 parole to adjust their status because it's pointed out
4 on little i, on the executive's status, that some
5 recipients of deferred action under DACA may be eligible
6 to file for adjustment of status independent of the
7 grant of advance parole.

8 Q. Okay. So of the 4,833, do you know what
9 percentage of that could -- that population could have
10 filed for adjustment of status without first obtaining
11 advance parole?

12	A. I do not.
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13 Q. Okay. And do you know what percentage of that
14 4,833 number could not have filed for adjustment of
15 status without advance parole?

16	A. I do not.
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17 Q. Do you have any opinion about whether that
18 4,833 number includes some percentage of DACA recipients
19 who could not have applied for adjustment of status
20 without advance parole?

21 A. It includes people who could not and people who
22 could have --

23	0.	Okay.
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24 A. -- applied with or without advance -- advance
25 parole.

1 Do you see that?

2 A. Yes, I do.

3 Q. Okay. Just explain to me what -- what does
4 that mean?

5 A. Unlawful presence is a provision in the
6 immigration law. It's a ground of inadmissibility and
7 it is calculated by time you've spent in the United
8 States in unlawful presence. The term "unlawful
9 presence" appears in Section 212(a)(9).

10 Q. Okay. Does deferred action toll the running of
11 the unlawful presence clock?

12 A. Yes, it does.

13 Q. All right. And does DACA specifically toll the
14 presence of the unlawful -- excuse me. Let me -- I
15 miss- -- misspoke there.

16 Does DACA specifically toll the running of
17 the unlawful presence clock?

18 A. No.

19 Q. Okay. And why not?

20 A. Because it's the deferred action that tolls it.

21 Q. Okay. But DACA is a type of deferred action,
22 right?

23 A. Yes.

24 Q. So if somebody is granted DACA, then the period
25 of time that that person has DACA does not count towards

1 that person's unlawful presence?

2 A. Yes.

3 Q. Okay. So, then, the next section is titled,
4 "Leaving the US if DACA is canceled"?

5 A. Yes.

6 Q. Okay. What methodology did you use to form the
7 opinions expressed in this section?

8 A. That is based on my expertise and my years of
9 working with the DACA population, with -- with, I guess,
10 documents that I've read in order to teach, but
11 primarily from working with this population.

12 Q. Okay. The second -- third sentence says,
13 "Almost none of the them considered or made the decision
14 to leave the United States."

15 Do you see that?

16 A. Yes, I do.

17 Q. All right. And what is that sentence based on?

18 A. That's based on the fact that I have worked
19 with the population before they had DACA and they did
20 not -- and the -- the people that I counseled that were
21 undocumented, subsequently DACA, none of them were
22 making plans to leave the United States.

23 Q. Okay. And about how big of a group of people
24 is that?

25 A. Is what?

1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 REPORTER'S CERTIFICATE

4 I, Dana Richardson, a Certified Shorthand Reporter
5 in and for the State of Texas, do certify that this
6 deposition transcript is a true record of the testimony
7 given by the witness named herein, after said witness
8 was duly sworn by me. The witness was requested to
9 review the deposition.

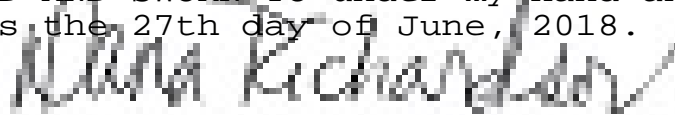
10 I further certify that I am neither attorney or
11 counsel for, related to, nor employed by any parties to
12 the action in which this testimony is taken and,
13 further, that I am not a relative or employee of any
14 counsel employed by the parties hereto or financially
15 interested in the action.

16 I further certify that the amount of time used by
17 each party at the deposition is as follows:

18 Mr. Todd Lawrence Disher - 02:09

19 Mr. Daniel Hu - 00:01

20 SUBSCRIBED AND SWORN TO under my hand and seal of
21 office on this the 27th day of June, 2018.



22 Dana Richardson, RPR, TX CSR 5386

23 Expiration: 12/31/19

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